

Draft Meeting Agenda
South Dakota Board of Examiners of Psychologists
Holiday Inn Express, 110 E. Stanley Road, Fort Pierre, SD 57532 (Central Time)
June 21, 2019
8:30AM CDT

Persons wishing to join the business meeting via teleconference will need to contact the Board Office at (605) 642-1600 by June 19, 2019 to arrange for a call-in number.

Member Listing:

1. Thomas Stanage, Ph.D., President
2. Matthew Christiansen, Ph.D., Vice-President
3. Trisha Miller, Ph.D., Secretary
4. Robert Buri, Ph.D., Member
5. Jeffrey Ellison, Psy.D., Member
6. Robert Overturf, Lay Member

Purpose: The Board protects the health and safety of the consumer public by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of psychology, including the appropriate resolution of complaints.

8:30AM CST-Oral Examination

Applicant #585

Applicant #583

Applicant #584

Applicant #388

The Business Meeting will convene following the oral examinations.

1. Call to Order/Welcome and Introductions-Stanage
2. Roll Call-Stanage
3. Conflicts to declare
4. Corrections or additions to the agenda
5. Approval of Agenda
6. Public Testimony/Public Comment Period-10:40 a.m.
7. Applicant Approvals
8. Approval of Minutes from March 29, 2019
9. FY Financial Update
10. Executive Session-Pursuant to SDCL 1-25-2
 - a. Complaints/investigations
 - a. #215
 - b. #219
 - c. #217-I
 - d. #218-I
11. Discussion of complaint procedure
12. CEU rules update
13. Update on Training and Education Events for Professionals around Opioid Abuse/Misuse in South Dakota

14. Any other business coming in between date of mailing and date of meeting
15. Schedule next meeting
16. Adjourn

SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD MEETING MINUTES
Teleconference
March 29, 2019

Members Present: Thomas Stanage, Ph.D., (President); Matthew Christiansen, Ph.D. (Vice President); Trisha Miller, Ph.D., (Secretary); Robert Buri, Ph.D., Member; Jeffrey Ellison, Psy.D., Member; Robert Overturf, Lay Member

Members Absent: None. There is currently one vacant member position.

Others Present: Carol Tellinghuisen, Executive Administrator; Jill Lesselyoung, Administrative Assistant; Marilyn Kinsman, Senior Policy Analyst for South Dakota DSS; Trevor Thielen, Legal Counsel for the Board

Stanage called the meeting to order at 9:32am CDT.

Welcome and Introductions: All were welcomed by Stanage. Attorney Thielen introduced himself to the board.

Roll Call: Lesselyoung called the roll. A quorum was present.

Conflicts to Declare: None.

Corrections or Additions to the Agenda: No modifications were made.

Approval of Agenda: Buri motioned, Christiansen seconded to approve the meeting agenda without additions or corrections. Motion carried unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Buri, yes; Ellison, yes; Overturf, yes.

Public Testimony/Public Comment Period (8:35am MDT / 9:35am CDT): There were no persons from the public present for comment.

FY Financial Update: Lesselyoung reported on the year-to-date finances as of 02/28/2019. Lesselyoung reported that as of February 28, 2019, revenue was at \$8,736.76, expenditures were at \$42,264.62, and Cash Balance was at \$69,570.88. It was noted that majority of board revenue comes in the 11th month (May-June) due to licensure renewal at that time. Ellison moved and Buri seconded motion to accept the financial report. Motion carried on unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Buri, yes; Ellison, yes; Overturf, yes.

HB 1111: Lesselyoung provided an update on HB 1111, an act to provide for professional or occupational licensure for certain active duty military personnel and spouses. The bill was signed into law by Governor Noem.

HB 1155: Lesselyoung provided an update on HB 1155, an act to provide for certain privileged communication between social workers and students. This bill was signed into law by Governor Noem.

Any Other Bills That Could Affect the Board: Stanage made mention of HB 1047, an act to revise certain provisions regarding recommendations for treatment as a condition for probation. The bill was signed by

Governor Noem. Stanage also mentioned SB136 and SB137. SB136 an act to provide for the utilization of telehealth by a health care professional was signed by Governor Noem. SB137 an act to provide for the payment of claims for covered services provided by a health care professional via telehealth was signed by Governor Noem.

Update on Rules Changes – Continuing Education: Board members reviewed proposed wording developed by Miller and board executive staff. Miller questioned whether board members desired to have mention of audit or not, explaining that inclusion could bind the board to specifications of audit. Attorney Thielen stated thought that inclusion of the phrase “for audit purposes” as is may add confusion if not done routinely and advised that if only planning to audit a certain percentage of licensees then would need the specifics written in Administrative Rules. Other discussion about the proposed wording included inquiries by Buri and Ellison about including wording about activities that would not provide traditional certificates (i.e., informal trainings, book readings) but that could be beneficial to continuing education of licensees. Tellinghuisen reminded that the Board at the June 1, 2018 meeting voted to move forward in developing a proposal for set minimal CEU hours. It was the consensus of the Board at that time that it would be the responsibility of the licensee to select quality programs that contribute to their knowledge and competence. Christiansen motioned that the words “for audit purposes” be removed from the current draft, and that Miller and board executive staff reword the current draft to produce a new draft written in Administrative Rules form wherein the new draft will contain language allowing for more general continuing education activity and clarifying that one CEU unit is equal to 10 hours of continuing education activity. Buri seconded the motion and the motion passed unanimously via roll call vote; Stanage, yes; Christiansen, yes; Miller, yes; Buri, yes; Ellison, yes; Overturf, yes.

Mobility/CPQ/National Register: Lesselyoung made board members aware she received correspondence from CPQ staff member Taja Slaughter, Director of Member Services that if the board votes to recognize the CPQ, CPQ will provide documentation from the applicant for our files. In discussion, Miller sought to clarify that accepting the National Register would mean our board would not be obligated to license applicants approved through the National Register who do not meet our state licensure requirements; Stanage clarified we would not be required to license an applicant who came with National Register approval unless they met our state licensure requirements, that both the CPQ and National Register only facilitate documentation and help applicants expedite the process. Miller motioned that the board recognize the CPQ and accept the National Register for future licensure applicants; motion passed unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Buri, yes; Ellison, yes; Overturf, yes.

ASPPB Annual Meeting October 16-20, 2019, Minneapolis: Buri and Christiansen voiced interest in attending and stated intent to review schedule to see if it is possible. Given ease of travel to nearby location, it may be possible to have two staff and two executive staff attend. Miller made motion, seconded by Ellison, to approve up to two board members and/or two executive staff members to attend the Annual ASPPB meeting in Minneapolis this fall. Motion passed unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Buri, yes; Ellison, yes; Overturf, yes.

Funding Available to Support Training and Education Events for Professionals around Opioid Abuse/Misuse in South Dakota: Lesselyoung made board aware SDPA Executive Director Kristin Bennett made her aware SDPA has an intent to pursue this training.

Discussion of complaint procedure – Overturf: Overturf explained discomfort with board’s current complaint procedure wherein only one board member is aware of full details of the complaint and also

that a single board member is set to recommend the outcome to the rest of the board. Stanage voiced similar discomfort with the current process and commended Overturf in bringing his topic up and researching this further. Overturf made the board aware he is examining other procedures being used elsewhere and has found some to include a specific form that must be completed for persons to submit complaints, as well as that some other procedures are involving a subcommittee of the board made up of more than one board member and a staff person, along with attorney consult. Thielen advised there is benefit to having more board members involved in the initial stages, but there would be concern about the small number on the board that would need to be factored in. Miller added that if a form is again pursued, consideration with regard to adding a statement about the board's jurisdiction (and limits to) should be taken as currently some complaints received are not within such limits. Overturf agreed to compile additional information and work with board executive staff to move the board further on this issue.

Thielen left the meeting amidst Executive Session, at 11:30am CDT. Kinsman left the meeting via teleconference at 10:57am CDT.

Executive Session- Pursuant to SDCL-1-25-2: Buri motioned and Miller seconded to enter executive session at 10:58am CDT for purpose of discussing four complaints/investigations. Motion carried by unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Buri, yes; Ellison, yes; Overturf, yes.

Overturf moved, Buri seconded to exit executive session at 11:37am CDT; motion carried by unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Buri, yes; Ellison, yes; Overturf, yes.

Complaints/Investigations: Miller reported #215 as pending. Buri reported #217-I as pending. Stanage reported #218-I as pending. Miller reported #219 as pending.

Next Meeting: The next meeting was set for Friday, June 21, 2019 in Pierre, SD. Any business that needs to be addressed prior to this date will take place via teleconference.

Motion to adjourn was made by Overturf, seconded by Miller. Stanage adjourned meeting at 11:47am CDT following unanimous vote to do so. Stanage, yes; Christiansen, yes; Miller, yes; Buri, yes; Ellison, yes; Overturf, yes.

Respectfully submitted,

Trisha T. Miller, Ph.D.
Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

BOARD OF PSYCHOLOGY EXAMINERS
 REVENUE SUMMARY
 FOR MONTH ENDING 05/31/19

#9

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4293000	0	0	0892000	654		2019	11	\$ 36,650.00	\$ 16,200.00
6503	4920045			0892000	654		2019	11	\$ 886.76	\$ -
									\$ 37,536.76	\$ 16,200.00

BOARD OF PSYCHOLOGY EXAMINERS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 05/31/19

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5203030	0	0	AUTO-PRIV (IN-ST.) H/RTE	0892000	654		2019	11	\$ 1,925.70	\$ -
6503	5203100	0	0	LODGING/IN-STATE	0892000	654		2019	11	\$ 599.48	\$ -
6503	5203140	0	0	TAXABLE MEALS/IN-STATE	0892000	654		2019	11	\$ 105.00	\$ -
6503	5203150	0	0	NON-TAXABLE MEALS/IN-ST	0892000	654		2019	11	\$ 325.00	\$ -
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0892000	654		2019	11	\$ 350.00	\$ -
6503	5204030	0	0	LEGAL DOCUMENT FEES	0892000	654		2019	11	\$ 600.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0892000	654		2019	11	\$ 44,066.04	\$ 3,629.92
6503	5204180	0	0	COMPUTER SERVICES-STATE	0892000	654		2019	11	\$ 10.82	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0892000	654		2019	11	\$ 1,177.35	\$ 218.63
6503	5204204	0	0	RECORDS MGMT SERVICES	0892000	654		2019	11	\$ 255.60	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0892000	654		2019	11	\$ 415.53	\$ 104.02
6503	5204510	0	0	RENTS-OTHER	0892000	654		2019	11	\$ 2,837.70	\$ 200.00
6503	5204530	0		TELECOMMUNICATIONS SRVCS	0892000	654		2019	11	\$ 24.00	\$ -
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2019	11	\$ 90.00	\$ 30.00
6503	5204590	0	0	INS PREMIUMS & SURETY BDS	0892000	654		2019	11	\$ 1,365.49	\$ -
6503	5205320	0	0	PRINTING-COMMERCIAL	0892000	654		2019	11	\$ 943.72	\$ -
6503	5101030	0	0	BOARD & COMM MBRS FEES	0892000	654		2019	11	\$ 1,140.00	\$ -
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0892000	654		2019	11	\$ 95.24	\$ -
										\$ 56,326.67	\$ 4,182.57

BOARD OF PSYCHOLOGY EXAMINERS

CASH CENTER BALANCE

FOR MONTH ENDING 05/31/19

[illegible]

11

Complaint Questionnaire

Please complete the following information concerning your complaint. Please attach any photocopies of any documents, including any mental health records if available, that are pertinent to your complaint. State in detail all facts, which you believe, justify this complaint. If possible, state whether the information is within your personal knowledge, and if not, please provide the source or sources of the information. (PLEASE PRINT OR TYPE)

Name of **Person Making Complaint**: _____

Address: _____

Phone: _____ Cell Phone _____

Email address: _____

Complaint Against: (First and Last Name): _____

Address: _____

Phone: _____

Additional Information Required

What is/are the date(s) of service? _____

Have you **had contact with any other professionals, professional agencies or law enforcement regarding the alleged incidents?** _____

If so, please specify name(s) and address(es): _____

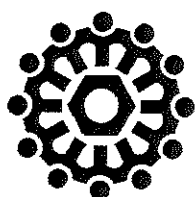
Have you contacted the social worker about your complaint? _____

What was the response/action taken? _____

Please attach any photocopies of documents, including mental health records, personnel files, supervisory notes, medical records, or any other documents/information that are pertinent to the complaint. Do not send your original documents.

Please describe your complaint in detail, including **the nature of the complaint and the dates the alleged incidents happened. Include** any statutory, administrative rule, or ethical violations, which you believe occurred (attach extra sheets if necessary).

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Montana Department of **LABOR & INDUSTRY**

Complaint Process FAQ's – for BSD Website

Complaint Process FAQ's Disclaimer (for Website)

The information provided below is of a general nature and provided for informational purposes only. We make no guarantee regarding the accuracy, timeliness, or completeness of the information provided on this website. This information is not to be taken as legal advice pertaining to any individual, nor as a limitation or restriction on the handling of any complaint filed with our agency. If you need legal advice, you should obtain professional legal assistance.

What is the role of the Board and Department in Processing Complaints?

The Boards and Programs within the Department of Labor & Industry Business Standards Division ("Department") set and enforce standards of conduct for professions and occupations requiring licensure under Title 37 of the Montana Code Annotated.

Our department's compliance, investigative, and legal staff process and sometimes investigate complaints of unprofessional conduct filed against licensees and license applicants. We also process and sometimes investigate unlicensed persons practicing a profession that requires a license.

We are impartial fact-finders and do not represent either the person filing a complaint or the person against whom the complaint is filed.

What expectations should I have as the person filing the complaint?

You should understand that the Board or Program has full discretion in acceptance, investigation, and resolution of the complaint. A violation of laws does not necessarily warrant discipline.

A person filing a complaint is not a "party" to the proceedings. The "parties" in a disciplinary action are the Department and the Licensee or License Applicant. The "parties" in an unlicensed practice case are the Board and the unlicensed person.

We may ask you to submit additional information, clarify the complaint, or to testify at a hearing or other legal proceeding. We expect to be kept informed of any change in your address or other contact information.

How do I file a complaint?

If you want us to review the conduct of an applicant for licensure, a person who holds a license, or an unlicensed person performing services that require a license (collectively referred to as "service providers"), you must fill out the complaint form.]. Please be as thorough as possible and attach additional documents to ensure that you include all pertinent information. You may mail, fax, or email the complaint and related information to:

Compliance Unit
P.O. Box 200514
Helena, MT 59620-0514
Fax: (406) 841-2363
Email: dlibsdcomplaints@mt.gov

How do I know what constitutes unprofessional conduct?

It may be helpful to look at how the Board or Program defines unprofessional conduct or scope of practice of the particular license type involved before you file the complaint. These definitions and standards are located in the Montana Code Annotated and the Administrative Rules of Montana, and may be accessed under the individual board or program website at bsd.dli.mt.gov.

What happens after I file the complaint?

After you submit a complaint, we will determine if it falls within our legal authority. If the complaint is NOT covered by our laws, we will notify you.

If the complaint IS covered by our laws, we will conduct an appropriate investigation. Depending on the case, this may range from a simple request for a response to conducting multiple witness interviews and forensic document analysis.

How long does an investigation take?

While our goal is to complete investigations in a reasonable length of time, depending on the current caseload and the nature and complexity of a particular case, the investigation may take several months to complete.

What happens after the investigation is completed?

After the facts have been gathered, a panel of board members will evaluate the information. The case may be dismissed if the panel determines there has been no violation of law or that formal action is unwarranted. Alternatively, the case may proceed if the members find reasonable cause to believe a violation of the laws has occurred that warrants formal action.

Can the licensee challenge the board's decision?

The service provider may request a hearing to contest the members' decision to take formal action. A contested hearing process may take several months to complete.

In many cases, if the service provider admits to certain facts and appropriate disciplinary sanctions, the case will be resolved by a stipulated agreement.

Another panel of board members who did not participate in the decision to proceed with formal action will make the final decision.

What sanctions can the board impose?

Disciplinary sanctions against licensees or license applicants, if warranted, may involve sanctions ranging from a reprimand or fines, to restriction of the practice, suspension, or revocation, depending on the severity of the violation.

Legal actions against unlicensed persons, if warranted, may include an injunctive action or referral to a county attorney for criminal prosecution.

These sanctions constitute the limit of our authority. We do not have the authority to give legal advice, award personal damages, or make judicial determinations. Our decisions do not constitute a legal opinion. To pursue such things, you should obtain professional legal assistance.

Will my complaint be confidential?

Your complaint will be provided to the service provider for a response. The completed and submitted complaint form is considered a government document under Montana Public Records law. In general, we treat the complaint and related documents as confidential information, unless we are ordered or compelled by law to release them

If we start a formal action, the case becomes public and the final decision or “order” will be publicly available on [Licensee Lookup](#).

Can I file a complaint and remain anonymous?

Generally speaking, no. In order to bring formal charges, the department must be able to introduce a document or testimony that demonstrates someone has engaged in unprofessional conduct. If you have personal knowledge of a serious risk of harm presented by a licensee, you should contact the office to discuss the matter with a Compliance Specialist.

I have a question about the complaint process. Who should I contact?

We will notify you in writing of the final outcome of your complaint against the service provider. A diagram of the complaint and formal process may be found [here](#). If you have questions, you may email them to the Compliance Unit at DLIBSDComplaints@mt.gov or call (406) 841-2333. If you have already filed a complaint, you may contact the Compliance Specialist assigned to your case. If you need legal advice, you should obtain professional legal assistance.

What other consumer resources are available?

Depending on the type of issue you have, in addition to seeking private legal counsel, there are many other governmental and non-profit resources for consumers available by searching on-line, and include, but are not limited to the [U.S. Food and Drug Administration's Health Related Consumer Information](#); the [USA.gov Consumer Action Handbook](#); the [Montana Department of Justice, Office of Consumer Protection](#); your local city Chamber of Commerce; the Better Business Bureau; American Association of Retired Persons (AARP); Consumer Reports; and Consumers Union.

The Montana Department of Public Health and Human Services (DPHHS) regulates health care facilities, residential care facilities, and nurse aides. If you have a complaint involving one of these facilities or persons, you should contact DPHHS or visit their website at dphhs.mt.gov.



Montana Department of
LABOR & INDUSTRY
Business Standards Division

FOR OFFICE USE ONLY

Complaint # _____

Date Received: _____

COMPLAINT FORM

Mail or Email to:
COMPLIANCE UNIT
PO BOX 200514
HELENA MT 59620-0514
email:dlibsdcomplaints@mt.gov

COMPLAINT MADE AGAINST

NAME	LICENSE #	
PROFESSION or OCCUPATION TYPE		
BUSINESS (if applicable)		
ADDRESS		
CITY	STATE	ZIP

PERSON MAKING COMPLAINT

NAME	PHONE	
ADDRESS	EMAIL	
CITY	STATE	ZIP

INSTRUCTIONS FOR COMPLETION: READ CAREFULLY

The information you provide must be written legibly and contain enough detail for the board to evaluate whether your complaint alleges a violation of board law or rule. Supply all information that you believe may be important for the board to consider. Answer the following questions and describe your complaint on the reverse side. Provide copies of evidence in your possession that relate to the alleged misconduct (for example, photographs, medical records, contracts, correspondence, etc.). Your complaint will be forwarded to the licensee unless confidentiality restrictions apply.

1. DATE(s) OF CONDUCT, OR DATE CONDUCT BEGAN IF CONTINUING: _____

2. LOCATION OF CONDUCT _____

3. ARE YOU A WITNESS TO THE CONDUCT? ☐ YES ☐ NO
4. HOW DID YOU BECOME AWARE OF THE CONDUCT? _____

5. NAMES, ADDRESSES, PHONE NUMBERS OR OTHER CONTACT INFORMATION OF PERSONS WHO MAY HAVE EVIDENCE TO PROVE THE CONDUCT: _____

OVER

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SIGNATURE _____ DATE _____



Forms

Renewal Instructions & Forms

License Lookup

Rules & Statutes

Complaint Process

The Wyoming Board of Psychology regulates the practice of Psychologists. Therefore, complaints may be registered against individuals only. The Board does not accept anonymous complaints. All complaints must name the individual the complaint is filed against, and must be signed by the person registering the complaint before the Board will proceed.

A licensee has a property right to their registration under Wyoming Law and therefore they are afforded the right of due process. Part of this process requires that the licensee be given the opportunity to address the concerns raised in a complaint against them, and to present a defense to the allegations.

This means that a copy of the complaint will be provided to the licensee. The entire complaint review, investigation and legal review process may take an extended period of time depending on the complexity of the case and the pending caseload before the Board. During the investigation stage, all information is confidential and may not be discussed. This also applies to discussing the investigation with the person filing the complaint.

Complaint Report Form

Wyoming State Board of Psychology

EMERSON BUILDING RM 105
2001 CAPITOL AVENUE
CHEYENNE, WY 82002
(307) 777-3507

COMPLAINT REPORTING

This is a general overview of the disciplinary/contested case process. To the extent that its application in any given situation contradicts the Board's Rules and Regulations, the Board's Practice Act, the Wyoming Administrative Procedures Act, any court order, federal or state law, the latter shall control.

The State Board Psychology regulates the practice of Psychologists, Psychological Practitioners and Specialists in School Psychology; therefore, complaints may be registered against individuals only. This Board does not have jurisdiction or authority over health agencies.

The Board does not accept anonymous complaints. All complaints must name the individual the complaint is filed against, and must be signed by the person registering the complaint before the Board will proceed.

A license holder has a property right to their registration under Wyoming Law and therefore they are afforded the right of due process. Part of this process requires that the license holder be given the opportunity to address the concerns raised in a complaint against them, and to present a defense to the allegations. This means that a copy of the complaint will be provided to the license holder.

The entire complaint review, investigation and legal review process may take an extended period of time depending on the complexity of the case and the pending caseload before the Board. During the investigation stage, all information is confidential and may not be discussed. This also applies to discussing the investigation with the person filing the complaint.

How Complaints are Processed

When a complaint is received it is assigned a complaint number. The complaint will be referred to by this number throughout the process. The Board will acknowledge receipt of the complaint with a letter. A member or members of the Board will be assigned as the Investigative Member(s) for the complaint. The Member(s) will guide the investigation and review all of the information gathered. The Board's investigator(s) may contact you and your witnesses for further information. After fully reviewing all of the information gathered, the Investigative Member(s) will make a recommendation to the full Board on how to proceed. With the concurrence of the Attorney General the Investigative Member(s) may recommend any of the following actions:

- a. Dismiss the complaint for lack of jurisdiction;
- b. Dismiss the complaint for lack of clear and convincing evidence of a violation;
- c. Dismiss the complaint with an advisory letter (private communication);
- d. Issue a Letter of Reprimand;
- e. Settlement by conditional licensure with stipulations;
- f. Suspension;
- g. Revocation

Once the Board votes to accept the recommendation the case proceeds as directed by the Board for disposition. After the Board action, the licensee and the complainant will be notified of the outcome in writing.

DO NOT WRITE IN THE SPACE BELOW-FOR OFFICE USE ONLY

Date Received: _____ License #: _____
Complaint #: _____ Issued: _____ Expires: _____

State Board Psychology

EMERSON BUILDING RM 105
2001 CAPITOL AVENUE
Cheyenne WY 82002
(307) 777-3507

COMPLAINT REPORT

INSTRUCTIONS: Please type or print the information neatly. Provide clear statements as to the specific nature of your complaint. Attach copies of any documents you may have that will substantiate your claim. Also provide a list of any witnesses with their phone numbers and addresses.

BE ADVISED: The licensee will be notified that a complaint has been filed against them and a copy of this complaint will be provided to him/her for a response as part of due process.

PERSON REGISTERING COMPLAINT

NAME: _____ TELEPHONE NUMBERS _____
ADDRESS: _____ HOME: () _____
CITY: _____ STATE: _____ ZIP: _____ BUSINESS: () _____

PERSON THE COMPLAINT IS REGISTERED AGAINST

NAME: _____ TELEPHONE NUMBERS _____
ADDRESS: _____ BUSINESS: () _____
CITY: _____ STATE: _____ ZIP: _____ OTHER: () _____

DETAILS OF COMPLAINT

1. DATE(S) OF INCIDENT: _____ TIME(S) OF INCIDENT: _____
2. LOCATION OF INCIDENT: _____
3. HAVE YOU DISCUSSED YOUR CONCERN WITH THE PERSON OR THEIR EMPLOYER?
YES ☐ NO ☐ IF YES, ON WHAT DATE AND BY WHAT MEANS: _____

4. DID THE PERSON OR THE PERSON'S EMPLOYER RESPOND? YES ☐ NO ☐
IF YES, WHAT WAS SAID OR DONE: _____

5. IS AN ATTORNEY ASSISTING YOU IN THIS MATTER? YES ☐ NO ☐
IF YES, PLEASE PROVIDE THE ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER BELOW:

6. STATE YOUR COMPLAINT: Include the sequence of events surrounding your complaint.

(If more space is needed, please attach additional sheets of paper)

I AFFIRM THE PRECEDING AND IT IS TRUE TO THE BEST OF MY UNDERSTANDING AND BELIEF:

SIGNATURE

DATE _____



Minnesota Board of Psychology

Complaints

[Before filing a complaint](#)[How to file a complaint](#)[What happens next?](#)

Before filing a complaint

If you have a concern about a Licensed Psychologist, there are some steps you could take before making your complaint, and things to consider:

- If the complaint is about your psychologist you could first talk to that individual about your concern/complaint. In most cases the psychologist would want to know that you are dissatisfied with the therapy services and would work with you in resolving those issues.
- If you are unable to talk with the psychologist due to nature of the complaint feel free to fill out the complaint form. You may also contact the Minnesota Board of Psychology and a complaint form can be mailed to you.
- You are encouraged to call the Minnesota Board of Psychology (612-617-2230) and confirm the individual you are making the complaint against is in fact a licensed psychologist.
- You could check the Rules of Conduct to read the laws that govern psychologists licensed in the State of Minnesota. Although the compliance unit or the Board will decide whether a complaint is valid and whether the acts or conduct that you allege violates Minnesota law, many people find reviewing the law helpful in deciding whether they should file a report with the Board and what kind of information to provide to the Board with their report to support the allegations.



Minnesota Board of Psychology

Complaints

[Before filing a complaint](#)[How to file a complaint](#)[What happens next?](#)

How to file a complaint

The Board is required by law to make inquiries into all complaints. There are two ways how you can file a complaint: online or paper.

Online: You may submit your complaint using our online system - [Submit complaint online.](https://mnit.force.com/license/Psy_DirectorFlow?flow=1) (https://mnit.force.com/license/Psy_DirectorFlow?flow=1)

Paper: If you prefer to use the paper form please follow these instructions:

Fill out and notarize the form. Please complete ALL sections with as much information as possible to assist in the investigation.

Section 1: Complete this section with your full name, current mailing address and home and/or work telephone number.

Section 2: Provide the name of the Licensed Psychologist, or applicant of the Board of Psychology against whom you are filing a complaint. Also provide that person's address and telephone number if you have this information. Please note that the Minnesota Board of Psychology has jurisdiction only over individuals who are of the status listed above.

Section 3: Please provide as much information as possible about what happened. Describe in detail all your facts which relate to the complaint/allegations you are submitting to the Board. Include any potential names, dates, times, places, and any document or records that would support your complaint. Please do not send original documents. If you do submit original documents, please indicate that they are originals, then they will be copied and returned to you. Please write clearly, preferably print or type, in order to make the complaint easier to read.

Once your complaint is notarized and you have gathered the documents you wish to submit with your complaint, you can mail, fax, or personally deliver your complaint to the Minnesota Board of Psychology.

[Download the complaint form. \(/boards/assets/ComplaintForm%202015%2002%2026_tcm21-30098.pdf\)](/boards/assets/ComplaintForm%202015%2002%2026_tcm21-30098.pdf)



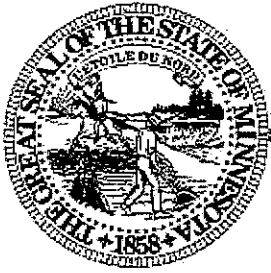
Minnesota Board of Psychology

Complaints

[Before filing a complaint](#)[How to file a complaint](#)[What happens next?](#)

What happens next?

- Once the board staff receives your complaint and determines the Board has jurisdiction, board staff will acknowledge the complaint by sending you a confirmation letter indicating the complaint was received and will be investigated.
- Board staff will review the report and documents provided by the complainant and determine the next step in the process.
- The psychologist could be contacted and could be asked to provide any and all records surrounding the client in question, in addition to responding in writing to the allegations.
- Once the documents and allegations are established, and the compliance unit has gathered all possible evidence, the complaint will be presented to the Complaint Resolution Committee for their review. The Committee will determine the next step in the process.
- The Committee can dismiss the complaint if the facts do not support a violation of the law. The Committee can also decide to meet with the licensee, formally or informally, to learn more or attempt to resolve the complaint. If the Committee decides that the licensee violated the law, the Committee can propose corrective or disciplinary action.
- If the licensee does not agree to a voluntary settlement, the Committee can attempt to resolve the complaint by using alternative dispute resolution or by holding a contested case hearing before a State Administrative Law Judge.
- You will be notified in writing of the disposition once the case is completed.



MINNESOTA BOARD OF PSYCHOLOGY
2829 University Avenue SE, Suite 320
Minneapolis, MN 55414-3237
Phone (612) 617-2230; Fax (612) 617-2240;
MN Relay Service 1(800) 627-3529
www.psychologyboard.state.mn.us
Email: psychology.board@state.mn.us

COMPLAINT REGISTRATION INSTRUCTIONS

This document may be made available in alternative formats upon request.

Minnesota Statutes, section 214.10 requires that a complaint to a Board be submitted in writing. Please complete the attached complaint form as follows:

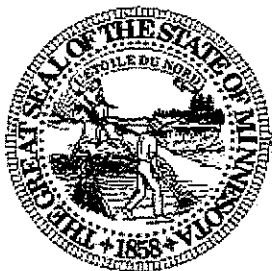
- Section 1: Provide your full name, current mailing address, and home, cell, and/or work phone number.
- Section 2: Provide the name of the individual against whom you are filing the complaint. Also, provide that person's address and phone number if you have this information.
- Section 3: Please state, with as much detail as possible, all of the facts related to the complaint you are submitting to the Board. Include any information, such as names, dates, times, or places that may be relevant to our investigation, as well as any documents or records that are in your possession or list those which you know exist and where they may be obtained. If you submit original records or documents, please indicate that they are originals, so that they may then be copied and returned to you. The Board may or may not contact you for additional information.

The use of this form is not required. However, if you chose to write your complaint in a different format, be sure to provide the information requested in sections 1, 2, and 3 above.

Please note that the Minnesota Board of Psychology's authority to investigate complaints is limited to those submitted on: Licensed Psychologists (LP), Licensed Psychologist – Volunteers (LP-V), individuals granted Guest Licenses (GL), applicants for licensure, and individuals practicing psychology without a license in the State of Minnesota. Additionally, state law does not give the Board of Psychology jurisdiction over fees charged for psychological services.

Minnesota law requires that a notarized complaint be on file with the Board before a hearing is scheduled. After you sign the complaint form (or your complaint in a different format) in the presence of a notary, date the form and send it to the Board.

The Board will notify you in writing within 14 days of the receipt of your complaint. You will also be notified in writing of the disposition of the complaint when the investigation is concluded



MINNESOTA BOARD OF PSYCHOLOGY
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www.psychologyboard.state.mn.us
Email: psychology.board@state.mn.us

FOR BOARD USE ONLY:

DATE: _____

COMPLAINT REGISTRATION FORM

NOTICE OF RIGHTS UNDER THE MINNESOTA DATA PRACTICE ACT

Data are compiled to investigate, conciliate, mediate, litigate or otherwise resolve an allegation of violating applicable law or administrative rule governed by the Minnesota Board of Psychology (Board). While you may refuse and are not legally required to supply private or confidential data, failing to provide data requested may result in the dismissal of the complaint. Data you provide will be available to Board members and staff involved in processing the complaint and may be released to other regulatory or investigative agencies, including but not limited to the Office of the Minnesota Attorney General.

In the event disciplinary or corrective action is issued, information used to substantiate the action may be made public. The identity of the complainant, however, is not made public.

SECTION 1:

YOUR NAME, ADDRESS & PHONE NUMBERS

NAME:

STREET ADDRESS:

CITY:

STATE:

ZIP:

HOME PHONE:

OTHER PHONE:

E-MAIL (Preferred)

SECTION 2:

NAME, ADDRESS, PHONE NUMBER OF INDIVIDUAL YOU ARE COMPLAINING ABOUT

NAME:

STREET ADDRESS:

CITY:

STATE:

ZIP:

PHONE:

STATEMENT OF COMPLAINT (Use Additional Sheets As Necessary)

Complaint Registration Form

Quick Links

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Search

Search

Please note that an application fee only extends an initial license to the next renewal date. Initial licenses do vary in duration. It is the responsibility of all licensees to renew their license before expiration. Failure to renew shall result in automatic forfeiture or suspension of the license by statute. Licenses which have forfeited are not automatically entitled to renew.

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The SD Board of Medical and Osteopathic Examiners is responsible for receiving and investigating complaints for its licensees and has authority to conduct investigations, enforce regulations and impose sanctions when a violation of law or regulation has occurred.

[Responsibilities](#) [Complaint Process](#) [File Complaint](#)

Overview of Responsibilities

The Board has no jurisdiction over actions concerning fees.

The Board does have jurisdiction over investigation of complaints placed against:

physicians: allopathic and osteopathic doctors
 physical therapists & physical therapy assistants
 advanced life support personnel (EMTs)
 physician assistants
 athletic trainers
 occupational therapists & occupational therapy assistants
 respiratory therapists
 nutritionists & dietitians
 genetic counselors
 medical assistants

Before filing a complaint, you can [search for the licensee](#) to verify the person is in one of the above groups and to check for correct spelling of the name.

The Board does NOT have jurisdiction over other health disciplines or facilities as listed:

optometrists	registered nurses
psychologists	hospitals
chiropractors	nursing homes
podiatrists	surgical centers
dentists	other health care facilities

Board of Medicine Home

New Applicants

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Board Information

Complaints

Medical License Compact

Advanced Life Support (ALS)

Athletic Training (AT)

Genetic Counselor (GC)

Medical Corporations

Licensed Nutritionist/Dietitian

PA Corporation

Medical Assistant (MA)

Physicians

Occupational Therapist (OT)

Occupational Therapy Assist.

Physical Therapist (PT)

Physical Therapist Assistant

Physician Assistant (PA)

Respiratory Care Practitioner

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[Home](#)**Complaints**

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Handling of Complaints

The Board receives the complaint form and determines if the complaint falls within its jurisdiction. If the complaint is within the Board's jurisdiction, then it is reviewed and an investigation begins if it rises to this level, conducted.

Please note, that an investigation can be a time-consuming process. If a violation of the law or of regulation has occurred, the Board may give the provider an opportunity to come into compliance with the law or regulation, or the Board may determine that other action is necessary. If there is no violation of law or of regulation, the file on the complaint is closed. All investigation material is confidential by law. All public Board Actions can be located on the website - click on the Disciplinary Actions tab in the right hand menu.

If the investigation should result in a formal hearing, the Board may subpoena persons to testify at that hearing if it is believed that their testimony is essential to the case.

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[Home](#)**Complaints**

The SD Board of Medical and Osteopathic Examiners is responsible for receiving and investigating complaints for its licensees and has authority to conduct investigations, enforce regulations and impose sanctions when a violation of law or regulation has occurred.

[Responsibilities](#) [Complaint Process](#) [File Complaint](#)

Filing a Complaint

Complaints should be submitted on the Board's [complaint form](#). Please click the link to open the form in Adobe Acrobat Reader, read the instructions, print the form, complete the form, and return to the Board at 101 N. Main Ave Suite 301, Sioux Falls, SD 57104.

The Board will acknowledge receipt of your complaint, may contact you for additional information, and will notify you once the review or investigation is completed.

[Board of Medicine Home](#)[New Applicants](#)[Forms and Helpful Links](#)[Laws](#)[Licensee Look-Up](#)[Online Verifications](#)[Rulings](#)[Disciplinary Actions](#)[Board Information](#)[Complaints](#)[Medical License Compact](#)[Advanced Life Support \(ALS\)](#)[Athletic Training \(AT\)](#)[Genetic Counselor \(GC\)](#)[Medical Corporations](#)[Licensed Nutritionist/Dietitian](#)[PA Corporation](#)[Medical Assistant \(MA\)](#)[Physicians](#)[Occupational Therapist \(OT\)](#)[Occupational Therapy Assist.](#)[Physical Therapist \(PT\)](#)[Physical Therapist Assistant](#)[Physician Assistant \(PA\)](#)[Respiratory Care Practitioner](#)

MEDICAL BOARD

CHAPTER 20:78:04

COMPLAINT PROCEDURES

Section

20:78:04:01	Applicability.
20:78:04:02	Complaints.
20:78:04:03	Investigations.
20:78:04:04	Completion of complaint investigation.
20:78:04:04.01	Disciplinary action in another state.
20:78:04:05	Status of complainant.
20:78:04:06	Effect of failure to renew during investigation.

20:78:04:01. Applicability. The following procedure applies to complaints about holders of the licenses, permits, or certificates regulated by the Board of Medical and Osteopathic Examiners.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-32, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-9B-8, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-13, 36-10B-14, 36-29-18, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-6, 36-36-13.

20:78:04:02. Complaints. The executive secretary may initiate an investigation based on a written complaint. Any person filing a complaint shall submit the complaint in writing to the executive secretary. A complaint is not a public record. The executive secretary shall dismiss any complaint that concerns matters over which the board does not have jurisdiction, and shall notify the complainant of that action. The executive secretary may also initiate an investigation upon reasonable suspicion that a licensee is in violation of any applicable standard for professional conduct.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-32, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-9B-8, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-13, 36-10B-14, 36-29-18, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-6, 36-36-13.

20:78:04:03. Investigations. The executive secretary shall initiate investigation of a complaint by notifying the license, permit, or certificate holder of the complaint and obtaining a response to the complaint. If the executive secretary determines that the complaint concerns compliance with licensing standards and requirements, the executive shall investigate the complaint. The notice shall be in writing and shall include a statement that the licensure or licensee is entitled to due process rights, including the right to notice and an opportunity to be heard and to be represented by counsel. The executive secretary may appoint a board member to assist in the investigation.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-32, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-9B-8, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-13, 36-10B-14, 36-29-18, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-6, 36-36-13.

20:78:04:04. Completion of complaint investigation. Upon completion of a complaint investigation, the executive secretary may:

- (1) Dismiss the complaint as unsubstantiated or requiring no further action. Dismissal of a complaint is not a public record;
- (2) Issue a letter of concern, which shall be placed in the licensee's permanent records. A letter of concern is not a public record;
- (3) Recommend the board issue the licensee a public reprimand;
- (4) Recommend the board re-open and modify the license to include compliance with specified terms and conditions;
- (5) Recommend the board suspend or revoke the license.

If the executive secretary recommends issuance of a public reprimand, re-opening and modification, or suspension or revocation of the license, permit, or certificate held by the licensee, the executive secretary shall notify the licensee of the right to contest the recommendation. If contested, the executive secretary shall issue a petition for hearing that sets out the recommendation and the reasons for the recommendation and initiates a contested case hearing. A copy of the petition for hearing shall be sent to the licensee. The executive secretary and licensee may enter into a settlement agreement concerning the recommendation to be made to the board.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-18, 36-4-20.2, 36-4-20.7, 36-4-20.10, 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-31.6, 36-4-32, 36-4A-8, 36-4A-8.1, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-6, 36-4B-13, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-9B-8, 36-10-27, 36-10-28, 36-10-29, 36-10-35.1, 36-10-35.2, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-6, 36-10B-7, 36-10B-10, 36-10B-13, 36-10B-14, 36-29-3, 36-29-3.1, 36-29-7, 36-29-18, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-5, 36-31-6, 36-31-9, 36-31-10, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-5, 36-36-6, 36-36-9, 36-36-13.

20:78:04:04.01. Disciplinary action in another state. Any physician who has had any public disciplinary action imposed by another state shall have the original documentation posted on the South Dakota Board of Medical and Osteopathic Examiners website, subject to the following conditions:

(1) If a physician has disciplinary action imposed by another state, the board may review and consider the timeframe and underlying facts and circumstances of the out-of-state discipline to determine if the refusal to grant any license or certification in South Dakota is appropriate under SDCL chapter 36-4, or whether disciplinary action in South Dakota is appropriate under SDCL chapter 36-4;

(2) If any physician has disciplinary action imposed by another state and that action does not impose any conditions on the physician's license from the state, the documents regarding the out-of-state action may be posted to the board's website in lieu of the board taking formal disciplinary action. This is not a reportable event by the board; and

(3) Any disciplinary action imposed by another state that imposes any conditions upon the physician's license from that state may be considered unprofessional conduct pursuant to SDCL subdivision 36-4-30(24) and subjects the physician to disciplinary action in South Dakota.

Source: 44 SDR 95, effective December 7, 2017.

General Authority: SDCL 36-4-35.

Law Implemented: SDCL 36-4-30(24).

20:78:04:05. Status of complainant. The complainant is not a party to any contested case hearing resulting from the executive secretary's investigation of a complaint, although the complainant may be called as a witness in the hearing. The executive secretary shall notify a complainant of any public final agency action taken as a result of a complaint.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-18, 36-4-20.2, 36-4-20.7, 36-4-20.10, 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-31.6, 36-4-32, 36-4A-8, 36-4A-8.1, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-6, 36-4B-13, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-9B-8, 36-10-27, 36-10-28, 36-10-29, 36-10-35.1, 36-10-35.2, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-6, 36-10B-7, 36-10B-10, 36-10B-13, 36-10B-14, 36-29-3, 36-29-3.1, 36-29-7, 36-29-18, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-5, 36-31-6, 36-31-9, 36-31-10, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-5, 36-36-6, 36-36-9, 36-36-13.

20:78:04:06. Effect of failure to renew during investigation. The holder of a license, permit, or certificate may choose not to renew the license, permit, or certificate after a complaint investigation has been initiated by the executive secretary. A failure to renew after investigation has been initiated shall be reported as "withdrawn under investigation" in the board's permanent license files and in any national databases to which the board is required to report licensure action.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-18, 36-4-20.2, 36-4-20.7, 36-4-20.10, 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-31.6, 36-4-32, 36-4A-8, 36-4A-8.1, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-6, 36-4B-13, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-9B-4, 36-9B-8, 36-10-27, 36-10-28, 36-10-29, 36-10-35.1, 36-10-35.2, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-6, 36-10B-7, 36-10B-10, 36-10B-13, 36-10B-14, 36-29-3, 36-29-3.1, 36-29-7, 36-29-18, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-5, 36-31-6, 36-31-9, 36-31-10, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-5, 36-36-6, 36-36-9, 36-36-13.

CHAPTER 20:78:05

CONTESTED CASE HEARING PROCEDURES

Section

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- 20:78:05:02 Petitions for hearing.
- 20:78:05:03 Filing of petitions for hearing.
- 20:78:05:04 Scheduling of hearing.
- 20:78:05:05 Hearing procedure.
- 20:78:05:06 Final board decision.
- 20:78:05:07 Notice of decision.
- 20:78:05:08 Assessment of costs of disciplinary hearings.
- 20:78:05:09 Board member conflict of interest.
- 20:78:05:10 Board member potential conflict of interest.

20:78:05:01. Applicability. The following procedure applies to contested case proceedings for license, permit, or certificate applications and to disciplinary proceedings before the Board of Medical and Osteopathic Examiners.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-32, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-9B-8, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-13, 36-10B-14, 36-29-18, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-6, 36-36-13.

20:78:05:02. Petitions for hearing. An applicant for a license, permit, or certificate issued by the board may file a petition for hearing at any time during the processing of an application. The executive secretary may file a petition for hearing to initiate a disciplinary proceeding against a licensee. A petition for hearing shall be signed by the petitioner and contain the following information: the name and address of the applicant or licensee, the basis for the request for hearing,

recitation of the applicable statutes or regulations under which the petitioner is requesting board action, and the relief requested by the petitioner.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-31.6, 36-4A-39, 36-4B-32, 36-9B-8, 36-10-43, 36-10-45, 36-10-46, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-31-15, 36-31-16, 36-36-13.

20:78:05:03. Filing of petitions for hearing. All petitions for hearing shall be filed with the executive secretary, who shall maintain the record of contested case proceedings held before the board.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-31.6, 36-4A-39, 36-4B-32, 36-9B-8, 36-10-43, 36-10-45, 36-10-46, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-31-15, 36-31-16, 36-36-13.

20:78:05:04. Scheduling of hearing. Upon receipt of a petition for hearing, the board president may appoint an examiner to conduct the contested case hearing, or may schedule the contested case hearing before the board, as authorized by applicable statutes.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-31.6, 36-4A-39, 36-4B-32, 36-9B-8, 36-10-43, 36-10-45, 36-10-46, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-31-15, 36-31-16, 36-36-13.

20:78:05:05. Hearing procedure. Contested case hearings shall be conducted in accordance with SDCL 1-26. The parties to a hearing are the executive secretary and the applicant or licensee. A board member who has participated in any investigation of the matter before the board shall disqualify himself from all deliberations and decisions.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-31.6, 36-4A-39, 36-4B-32, 36-9B-8, 36-10-43, 36-10-45, 36-10-46, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-31-15, 36-31-16, 36-36-13.

20:78:05:06. Final board decision. If the board hears the proceeding itself, it shall issue a final decision and require the parties to submit proposed findings of fact and conclusions of law for consideration at the board's next meeting. If a hearing examiner hears the proceeding, the examiner shall issue a proposed decision including findings of fact and conclusions of law. The examiner shall serve the proposed decision upon the board and the parties. The board may request that the parties appear before it to present oral argument and objections to the examiner's proposed decision. The board shall issue a final decision and accept, reject, or modify the findings, conclusions, and decisions of the examiner.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-31.6, 36-4A-39, 36-4B-32, 36-9B-8, 36-10-43, 36-10-45, 36-10-46, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-31-15, 36-31-16, 36-36-13.

20:78:05:07. Notice of decision. The board shall issue a notice of decision, accompanied by the final board decision and findings of fact and conclusions of law, to the applicant or licensee and executive secretary.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-31.6, 36-4A-39, 36-4B-32, 36-9B-8, 36-10-43, 36-10-45, 36-10-46, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-31-15, 36-31-16, 36-36-13.

20:78:05:08. Assessment of costs of disciplinary hearings. The board may assess its costs associated with a contested case proceeding resulting in disciplinary action, against a licensee upon motion by the executive secretary. If requesting the assessment of costs, the executive secretary shall present a statement of costs to the board or hearing examiner at the time it submits proposed findings of fact and conclusions of law.

Source: 38 SDR 127, effective February 7, 2012; 43 SDR 57, effective October 20, 2016.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 1-26-29.1.

20:78:05:09. Board member conflict of interest. A board member who:

(1) Is personally related to a party involved in a contested case proceeding or disciplinary action by two degrees of consanguinity;

(2) Has a direct financial interest in a party involved in a contested case proceeding or disciplinary action through employment or by contract;

(3) Directly supervises and is responsible for peer review of a party involved in a contested case proceeding or disciplinary action;

(4) Or has a spouse employed by or directly contracts with a party involved in a contested case proceeding or disciplinary action; may not participate in the proceeding or action concerning that party. The member shall make an oral statement of recusal on the record at the initiation of the hearing. A recused member may not participate in board discussions or decision-making regarding that contested case proceeding or disciplinary action.

Source: 41 SDR 180, effective May 21, 2015.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-32, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-13, 36-10B-14, 36-29-18, 36-

29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-6, 36-36-13.

20:78:05:10. Board member potential conflict of interest. A potential conflict of interest is an indirect financial interest, or a personal relationship or another interest in a party involved in a contested case proceeding or disciplinary action that is different from that of the general public, that a reasonable person would believe might result in bias or prejudgment. A board member shall disclose any potential conflict of interest in a contested case proceeding or disciplinary action on the record at the initiation of the hearing, or during the hearing if the board member becomes aware of the existence of a potential conflict of interest at that time. Upon the board's own motion or the motion of a party, and considering the rule of necessity should maintenance of a quorum be an issue, the board may recuse a member with a potential conflict of interest if it determines that the potential conflict of interest raises an unacceptable risk of bias or prejudgment in the contested case proceeding or disciplinary action.

Source: 41 SDR 180, effective May 21, 2015.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-10-36, 36-10B-3, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-27, 36-4-28, 36-4-29, 36-4-30, 36-4-32, 36-4A-37, 36-4A-38, 36-4A-39, 36-4A-40, 36-4B-28, 36-4B-31, 36-4B-32, 36-4B-33, 36-10-38, 36-10-39, 36-10-40, 36-10-41, 36-10-44, 36-10-45, 36-10-46, 36-10-49, 36-10B-13, 36-10B-14, 36-29-18, 36-29-19, 36-29-20, 36-29-21, 36-29-22, 36-29-25, 36-29-26, 36-29-27, 36-31-14, 36-31-15, 36-31-16, 36-31-17, 36-31-18, 36-31-21, 36-31-22, 36-36-6, 36-36-13.

CHAPTER 20:78:06

OPIOID OVERDOSE PREVENTION

Section

- 20:78:06:01 Definitions.
- 20:78:06:02 Criteria for training a first responder.
- 20:78:06:03 Standing order.
- 20:78:06:04 Protocols.

20:78:06:01. Definitions. Terms used in this chapter mean:

Continuing Education Requirements.

- 1) As a condition for licensure renewal, every licensed psychologist shall complete a minimum of 15 contact hours of continuing education (1.5 CEUS) relevant to the practice of psychology during the 12 months prior to renewal date. Reporting cycles shall coincide with annual re-licensure, wherein the year commences with July first of the year in which the licensee obtained a South Dakota license.
- 2) No continuing education is required for licensees licensed less than one full calendar year on their first renewal date. They shall begin submission of the full required continuing education upon their second renewal date.
- 3) It is the responsibility of the licensee to select quality programs or activities that contribute to their professional knowledge and competence. The activity must deal primarily with substantive psychology issues, psychological skills or laws or rules and ethical standards related to one's role as a psychologist.
- 4) One contact hour of continuing education will be granted for each hour of participation in a continuing education activity.
- 5) One continuing education *unit* (CEU) equals 10 contact hours.
- 6) One academic credit of psychology relevant coursework equals 15 contact hours of continuing education or 1.5 CEUS.
- 7) No more than five contact hours of continuing education ~~credits~~ can be achieved via independent professional book reading.
- 8) The licensee must provide dates, course or activity titles, and number of continuing education credits for a permanent record of individual participation. All licensees submitting application for license renewal must include a copy of the original certificate of successful completion.
- 9) It is the responsibility of the licensee to establish and maintain detailed records of continuing education compliance following submission of one's annual continuing education. Each licensee is responsible for retaining the original certificate, documentation, or other record of credit from continuing education programs or activities for a minimum of five years.
- 10) If a licensee is unable to acquire sufficient hours of continuing education to meet the requirements, the licensee may submit a written request for an exemption. All requests for exemptions will be considered by the Board of Examiners of Psychologists and evaluated on an individual basis.
- 11) The board may not renew a license for any person who has failed to comply with the requirements of this chapter.

CHAPTER 20:60:10

CONTINUING EDUCATION

Section

20:60:08:10 Continuing Education

20:60:10:01 Definitions. Terms used in the chapter mean:

- (1) "Contact hour", one contact hour of continuing education will be granted for each hour of participation in a continuing education activity.
- (2) "Continuing education", quality programs or activities that contribute to their professional knowledge and competence.
- (3) "Continuing education unit" (CEU). One continuing education unit equals 10 contact hours.
- (4) "Academic credit", one academic credit of psychology relevant coursework equals 15 contact hours of continuing education or 1.5 CEUS.

20:60:10:02 Courses eligible for continuing education. It is the responsibility of the licensee to select quality programs or activities that contribute to their professional knowledge and competence. The activity must deal primarily with substantive psychology issues, psychological skills or laws or rules and ethical standards related to one's role as a psychologist. No more than five contact hours of continuing education can be achieved via independent professional book reading.

20:60:10:03 Amount of continuing education required. As a condition for licensure renewal, every licensed psychologist shall complete a minimum of 15 contact hours of continuing education (1.5 CEUS) relevant to the practice of psychology during the 12 months prior to renewal date. Reporting cycles shall coincide with annual re-licensure, wherein the year commences with July first of the year in which the licensee obtained a South Dakota license. No continuing education is required for licensees licensed less than one full calendar year on their first renewal date. They shall begin submission of the full required continuing education upon their second renewal date. The Board may not renew a license for any person who has failed to comply with the requirements of this chapter. The licensee must provide dates, course or activity titles, and number of continuing education credits for a permanent record of individual participation. All licensees submitting application for license renewal must include a copy of the original certificate of successful completion.

It is the responsibility of the licensee to establish and maintain detailed records of continuing education compliance following submission of one's annual continuing education. Each licensee is responsible for retaining the original certificate, documentation, or other record of credit from continuing education programs or activities for a minimum of five years

20:60:10:04 Request for exemption. If a licensee is unable to acquire sufficient hours of continuing education to meet the requirements, the licensee may submit a written request for an exemption. All requests for exemptions will be considered by the Board of Examiners of Psychologists and evaluated on an individual basis.

General Authority: SDCL 36-27A-26